



Office of Corporation Counsel

Andrew P. Seiwert
Corporation Counsel
July 18, 2014

Office of Corporation Counsel Mission

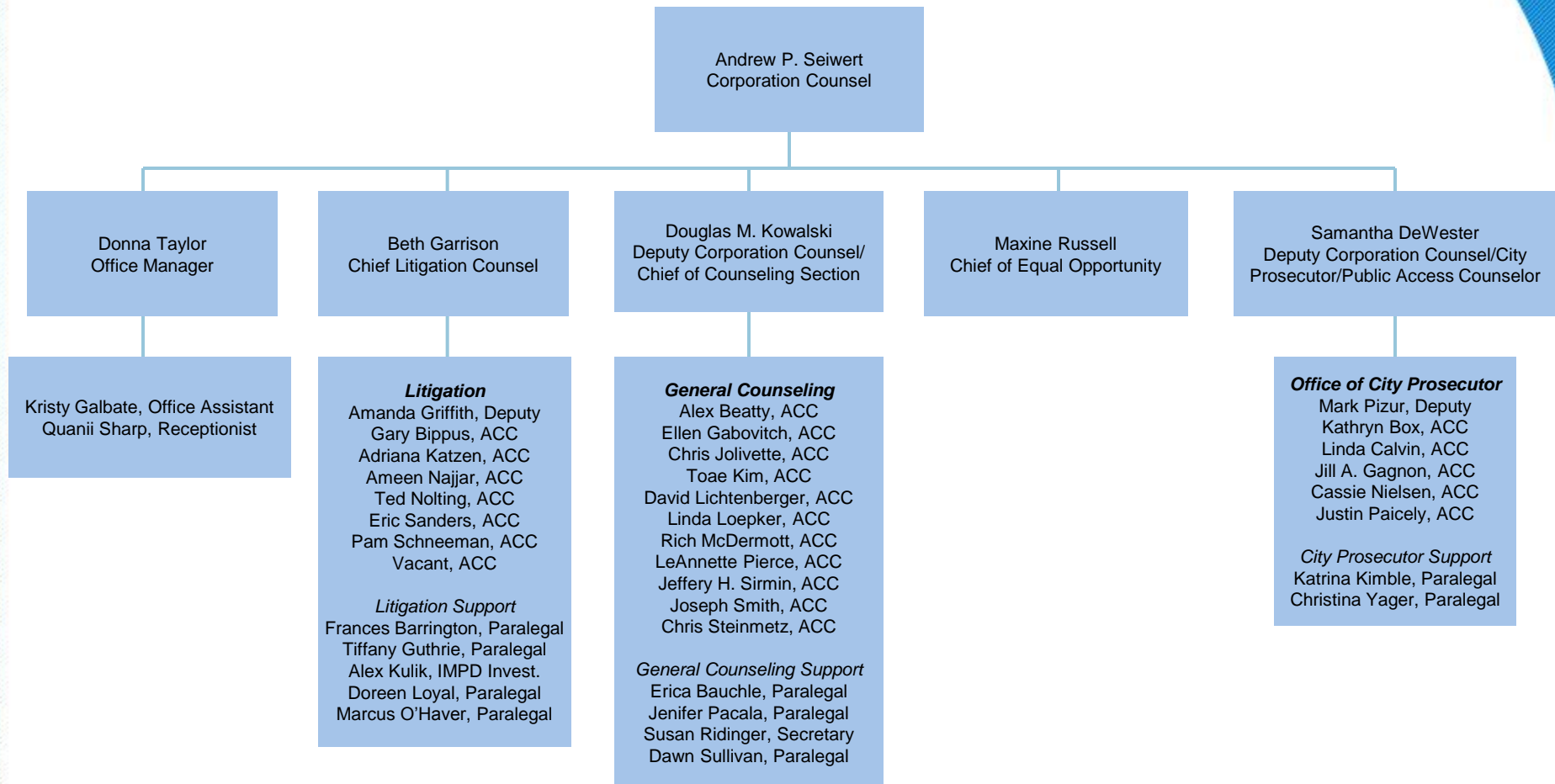
Indianapolis
Mayor Gregory A. Ballard



Our mission is to provide professional legal services to help our clients make decisions in the best interests of the residents and taxpayers of the City of Indianapolis.

OCC Organizational Chart

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OCC Assets



- OCC attorneys together have over 360 years of combined years of practice experience.
- The wealth of diverse experience provided by OCC attorneys makes us one of the most dynamic mid-sized law firms in central Indiana.
- Our attorneys have expertise in a wide variety of practice areas, including civil rights, labor law, zoning, public bidding and construction, real estate, and IT.
- OCC attorneys serve as advocates for their clients while managing to drive down the costs of litigation and liability wherever possible.
- OCC attorneys provide a consistently high level of service despite budgetary, staffing, and increased caseload challenges.
- While not a traditional revenue-generating agency, OCC is constantly looking for savings, whether through favorable verdicts and reduced settlements in litigation, looking for opportunities to bring more matters in-house, or through overhauling the City's unemployment claims handling process and implementing a new processing system.
- As one of the smallest City-County agencies with one of the smallest budgets, OCC is proud of the high quality, professional service it provides to internal clients and to the public.

Office of Corporation Counsel

2014 Introduced Budget

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Source	2012 Actual Final	2013 Budget Adopted	2013 Budget Revised	2014 Budget Introduced
CONSOLIDATED COUNTY	748,700	615,274	421,484	887,530
Total:	748,700	615,274	421,484	887,530
Expenditure				
PERSONAL SERVICES	2,929,818	3,267,456	3,073,666	3,006,001
MATERIALS AND SERVICES	6,900	6,900	6,900	6,900
OTHER SERVICES AND CHARGES	1,074,139	746,757	746,757	816,722
PROPERTIES AND EQUIPMENT	0	4,600	4,600	2,300
Total (gross) budget	4,010,857	4,025,713	3,831,923	3,831,923
INTERNAL CHARGES	-3,262,157	-3,410,439	-3,410,439	-3,121,213
Total (net) budget	748,700	615,274	421,484	710,710

Equal Opportunity: We Protect Against

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Age Discrimination

Ancestry & National Origin Discrimination

Disability Discrimination

Gender Identity Discrimination

Race & Color Discrimination

Religious Discrimination

Retaliation

Sex Discrimination/Sexual Harassment

Sexual Orientation Discrimination

U.S. Military Veteran Status Discrimination

Equal Opportunity: 2014

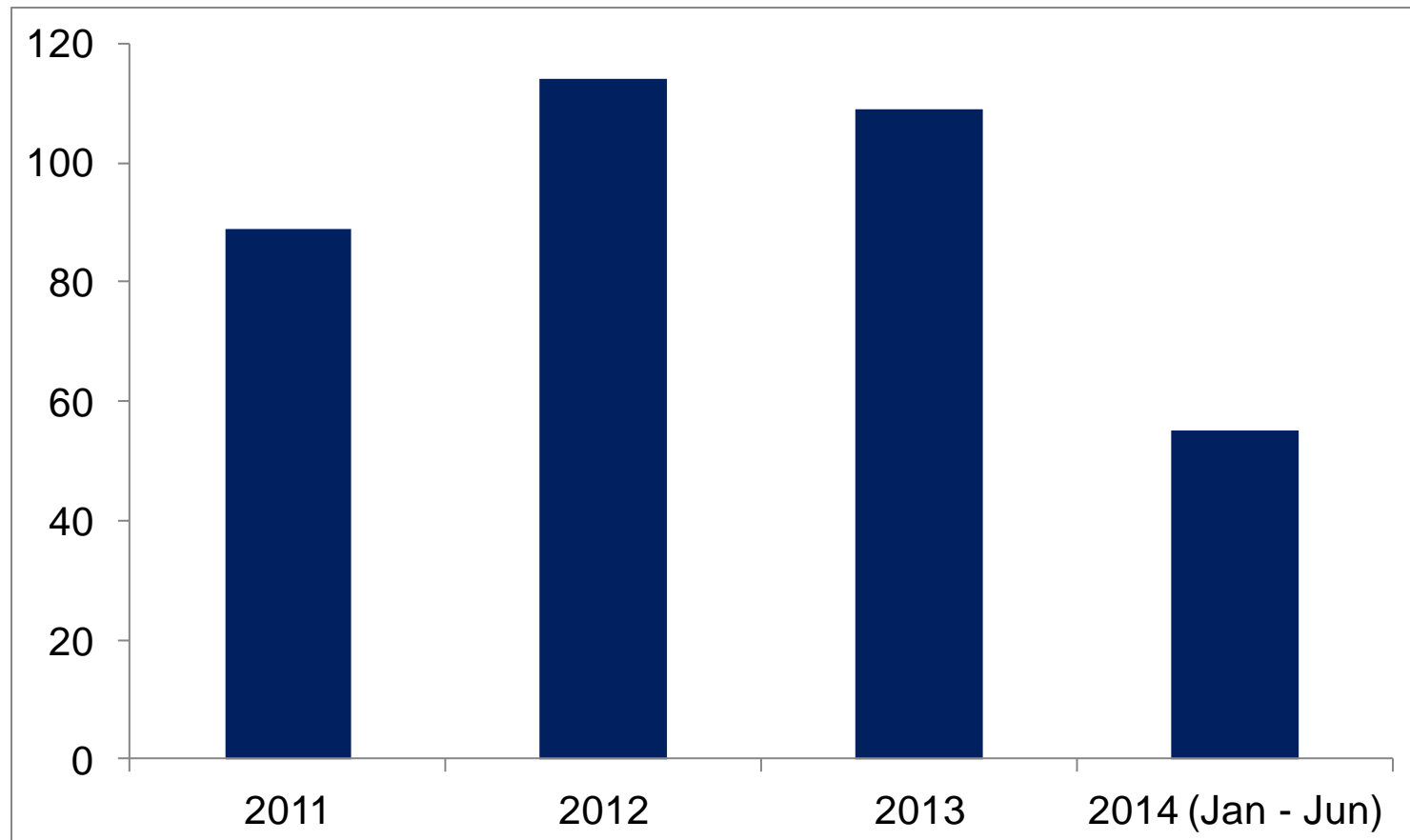


2014 Initiatives

- Working with the Indiana Consortium of State and Local Human Rights Agencies to promote equal opportunity and equal treatment; to provide assistance in the elimination of unlawful discrimination in employment, housing, education and public accommodations; and to educate the public and private sector on human rights and civil right issues.
- Continuing partnership with the Indiana Civil Rights Commission to ensure local and state civil rights laws are enforced.

Equal Opportunity New Filings Annual

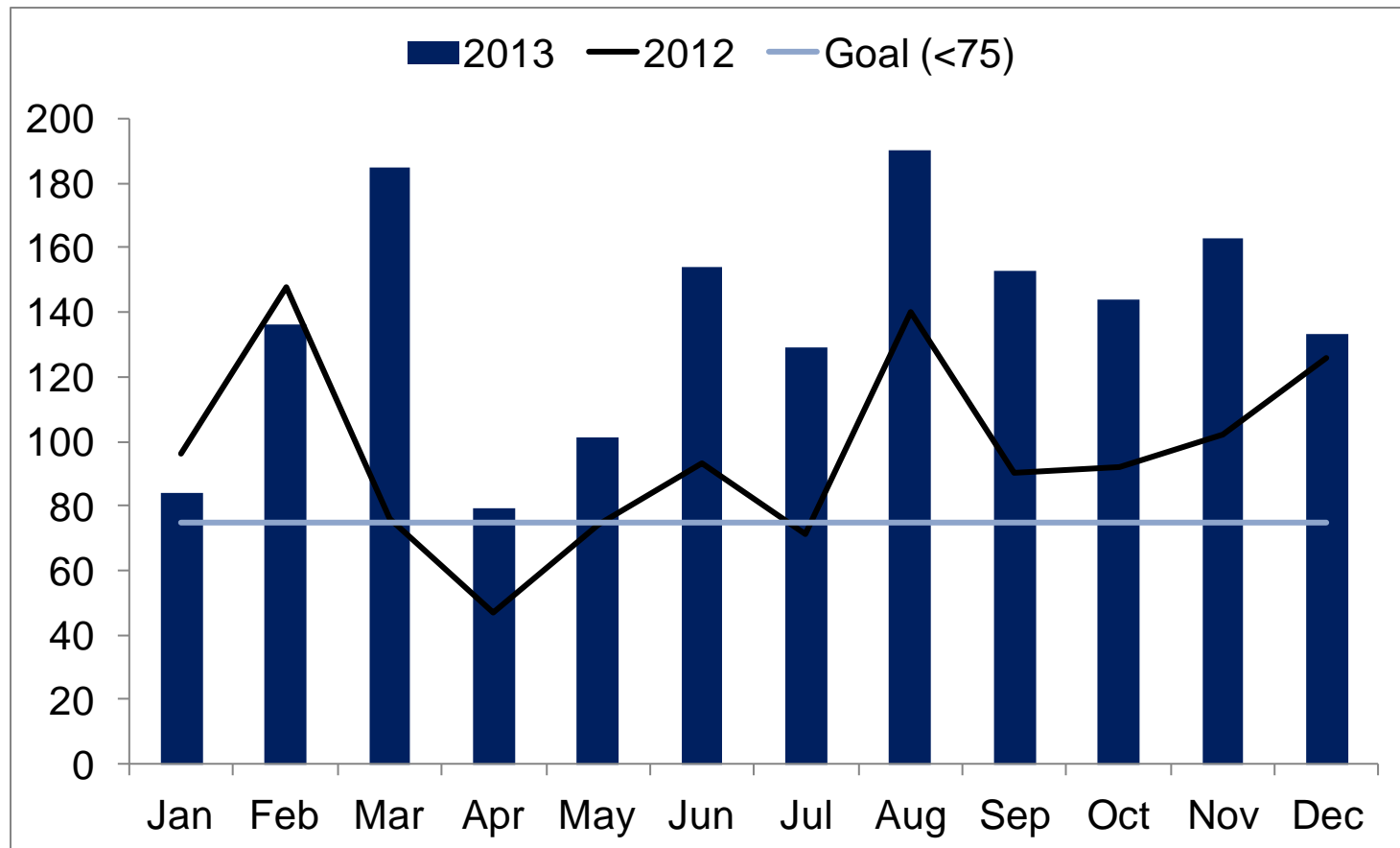
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Equal Opportunity

Elapsed days from initial filing until
recommendation forwarded to Board
(Backlog = 0)

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Litigation: 2014



- **2014 Accomplishments:**

- Successfully defended the City's expanded Smoking Ordinance before the Seventh Circuit Court of Appeals (a second lawsuit is fully briefed and now pending before Marion Superior Court 14).
- Successfully obtained two defense verdicts on behalf of IMPD and several officers before the Southern District of Indiana in *Ty Evans v. Frank Posken, et. al.* and *Rebecca Neuhausel v. City of Indianapolis*.
- Obtained the demotion of one officer for conduct unbecoming of a sergeant before the IMPD Civilian Merit Board.
- Obtained the termination of another officer before the IMPD Civilian Merit Board for repeated violations of the General Orders, including failing to back-up fellow officers on runs.

- **2013-2014 Initiatives:**

- Training and educating the litigation staff in areas such as: civil rights, employment law, trial preparation, trial strategy, briefing, and legal writing;
- Be proactive with environmental cost recovery cases, working with DMD to initiate litigation against historical polluters in order to clean up and utilize property throughout the city.

Litigation: Open/Closed Cases



- **Currently, there are 216 active cases in litigation (handled by 7 full-time litigators and 3 support staff)**
 - Appellate court cases: 9 (federal); 2 (state)
 - Federal district court cases: 46
 - State trial court cases: 159
 - 2014 (to date): 51 cases have been opened; 74 have been closed - 25 of those cases were closed with \$0 payment, 25 of those cases were closed with payment of \$10k or less; and 1 closed with payment to the City for \$45k
 - 2013: 66 cases were opened; 128 cases were closed - 69 of those cases were closed with \$0 in payment.

Litigation: Case Information



- **Agencies we represent before the Southern District of Indiana**
 - IMPD: 27; MCSO: 11; Courts: 4; DPW: 3; Auditor/Treasurer: 3; MCPO: 2; Assessor: 1; DCE: 1
- **Types of claims we defend before the Southern District of Indiana**
 - Civil Rights claims: First, Second, Fourth, Sixth, Eighth, and Fourteenth Amendment claims
 - Employment discrimination claims: Title VII; FMLA; ADA; ADEA
- **Agencies we represent before the state trial courts**
 - DPS: 2; IMPD: 49; IFD: 3; ACC: 2; DPW: 48; MCSO: 11; DPR: 8; DMD/MDC: 6; Courts: 4; DCE: 4; Election Board: 3; City-County Council: 2; MCCC: 2; Assessor: 1; Auditor: 2; Coroner: 1; MECA: 1; City: 1; Cases we're monitoring only: 9

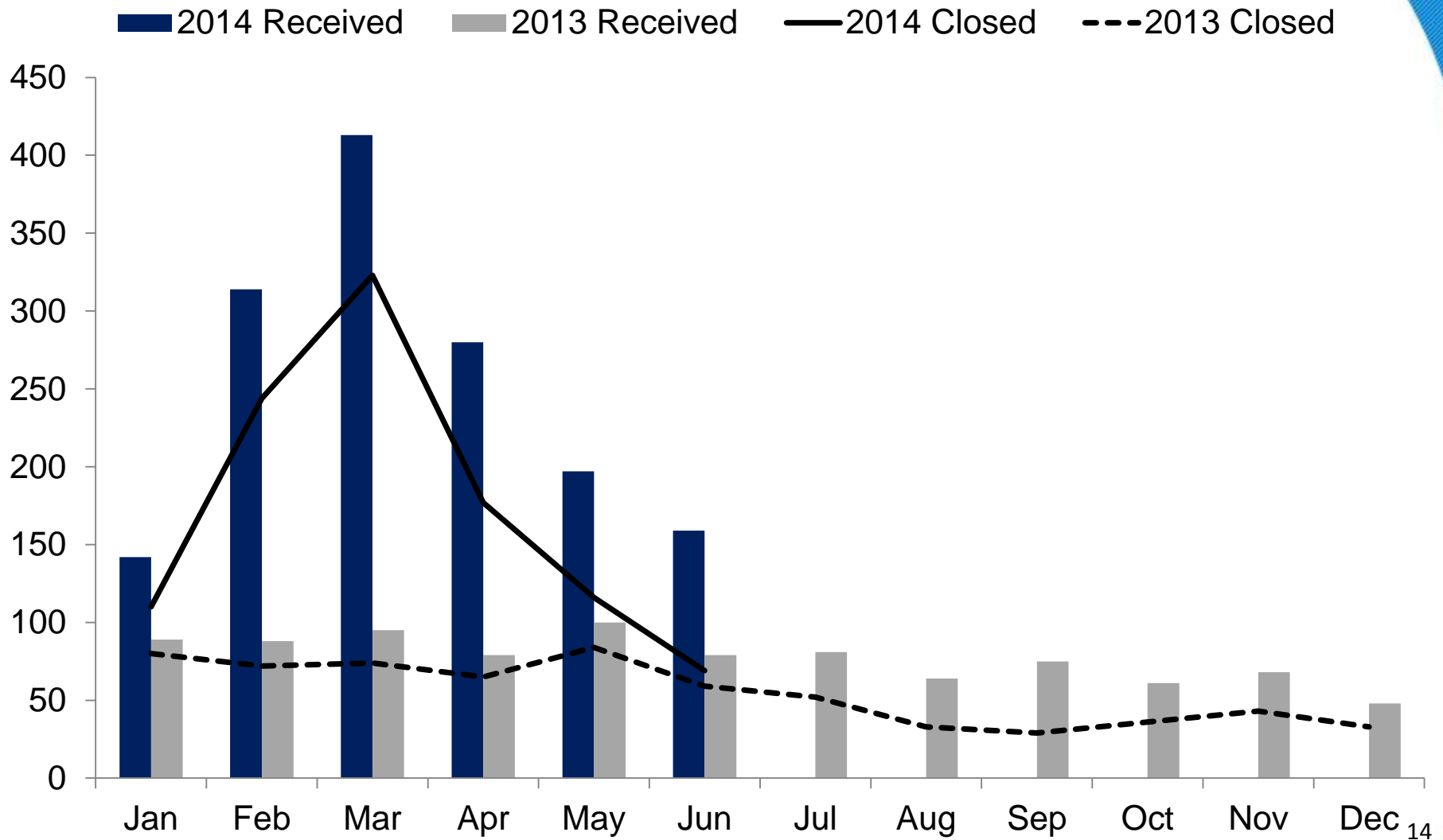
Litigation: Case Information continued



- **Types of claims we defend before the Indiana trial courts**
 - Motor vehicle accidents; negligent design/maintenance/repair; Contracts; Zoning; wrongful death; negligent pursuit; false arrest; defamation; battery; intentional infliction of emotional distress; negligent infliction of emotional distress; denial of public access to records; injunctive relief

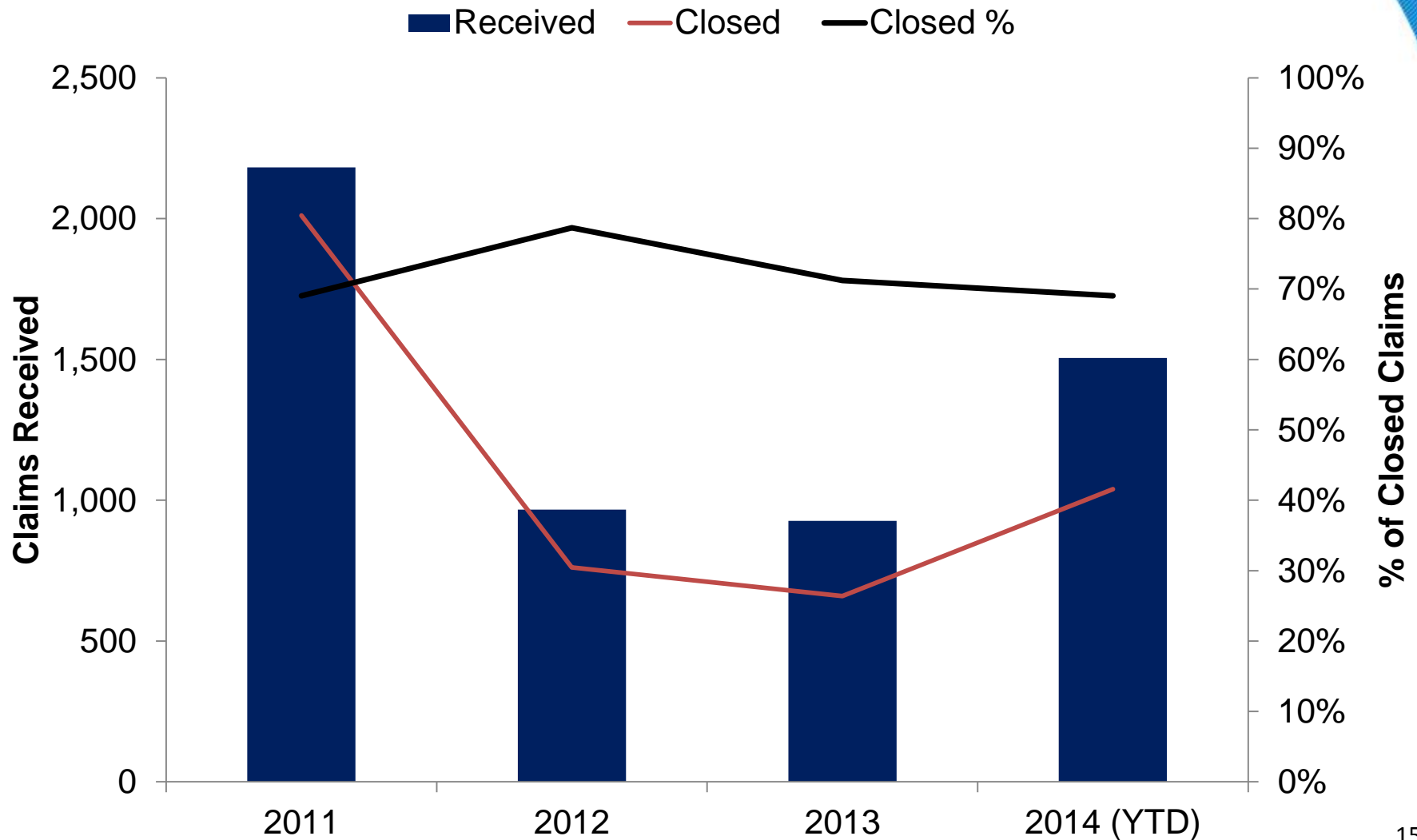
Litigation: Monthly Tort Claims

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Litigation: Yearly Tort Claims

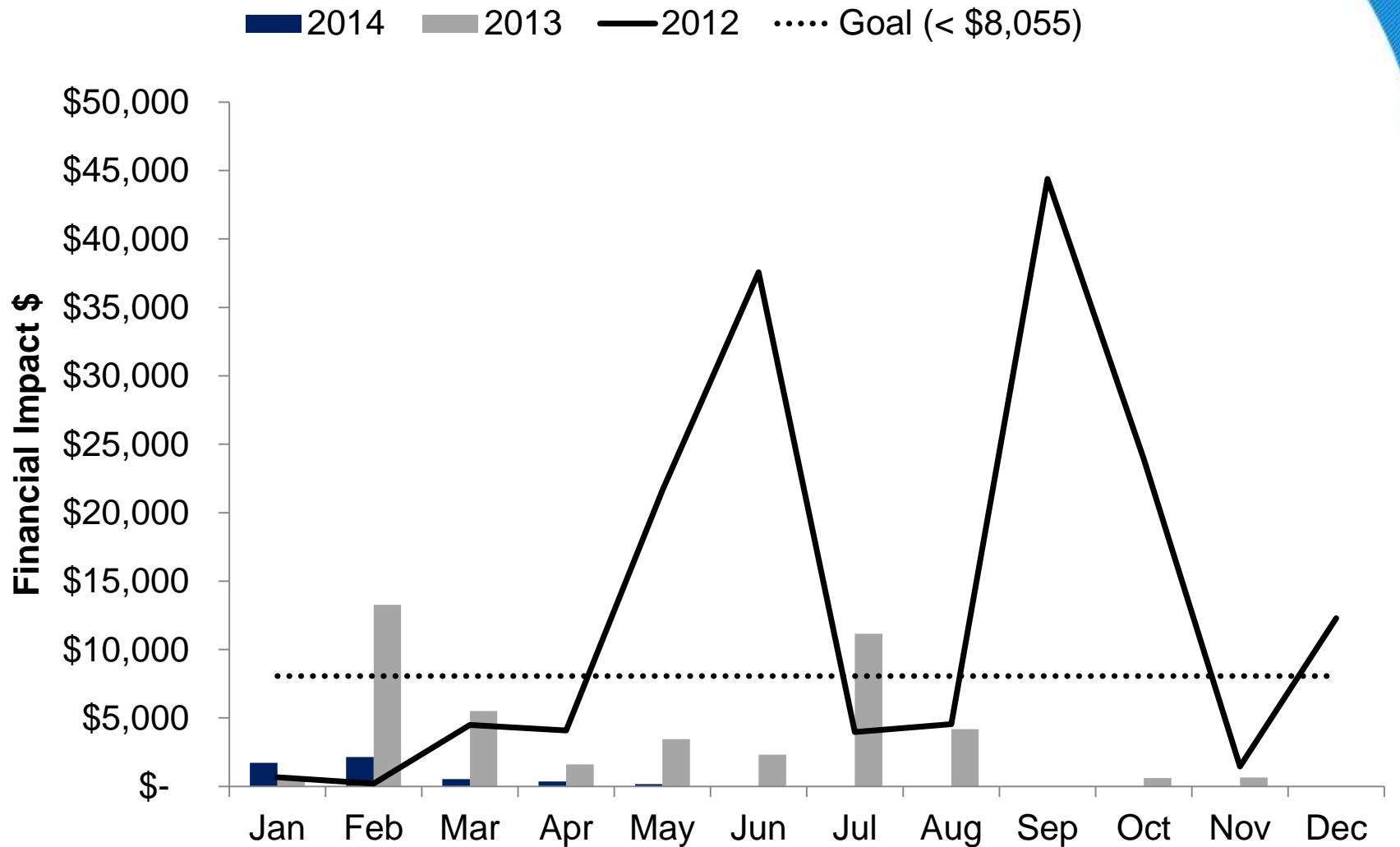
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Litigation: Tort Claims

Financial Impact of Monthly Closed Claims

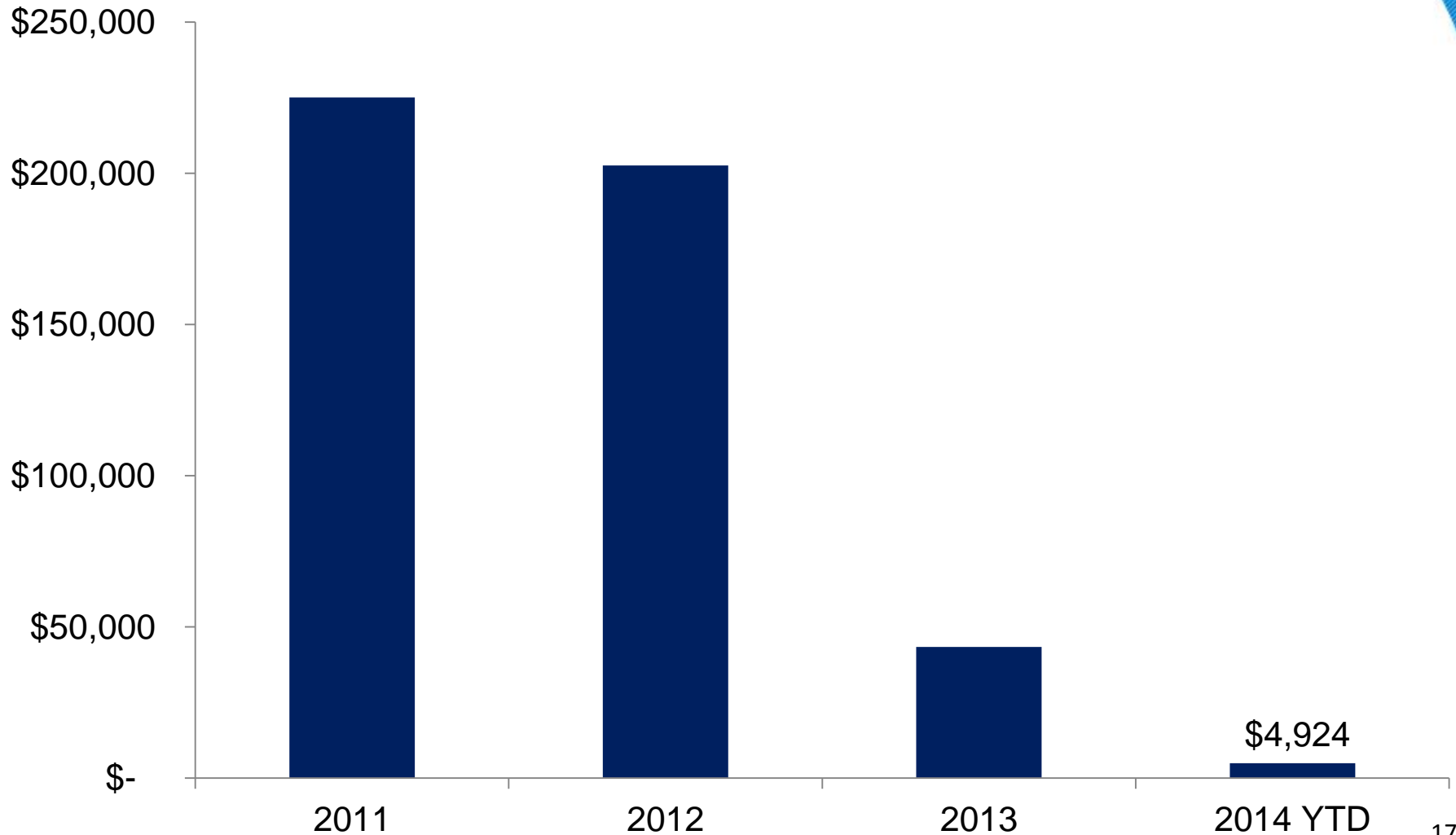
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Litigation: Tort Claims

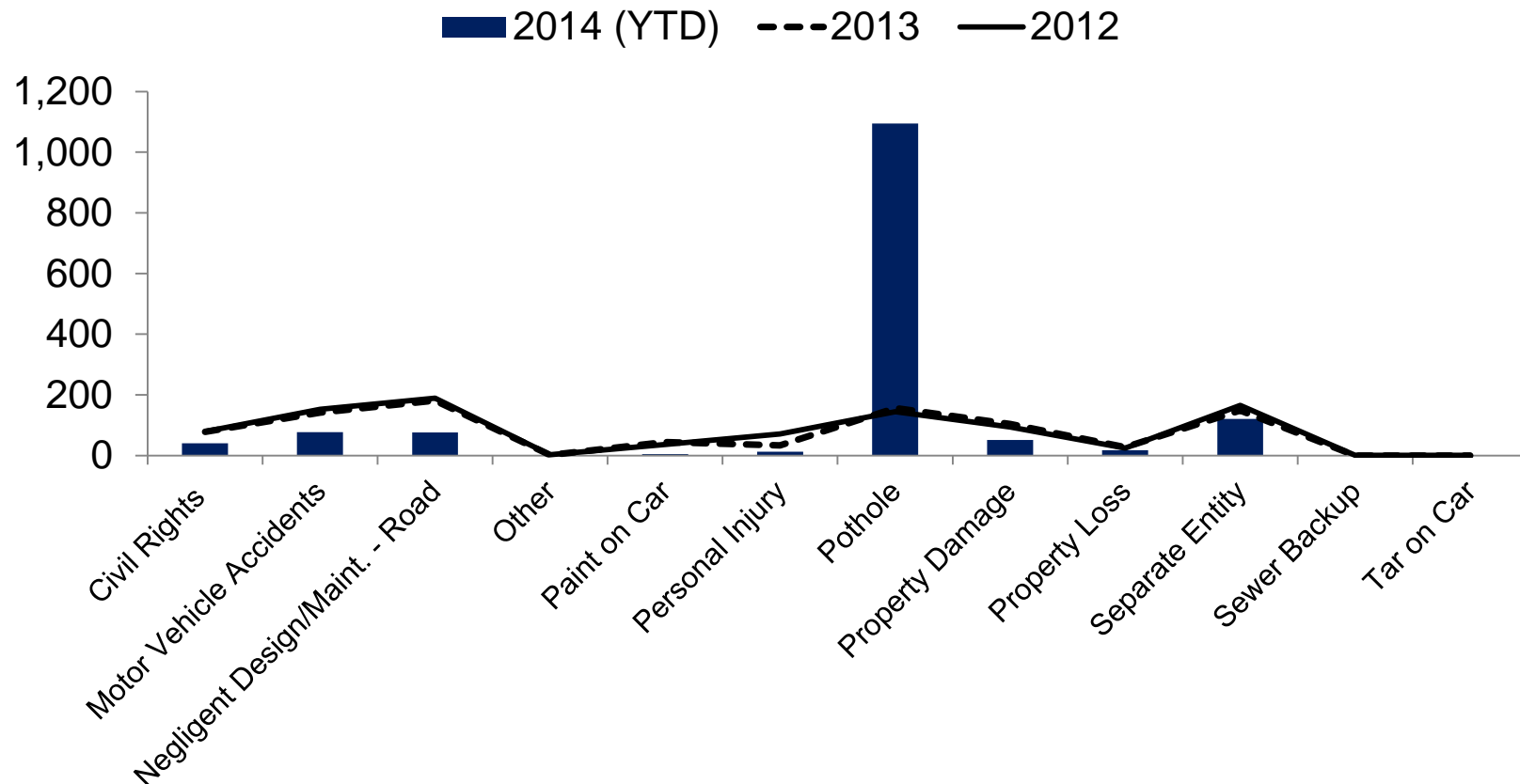
Yearly – Financial Impact of Closed Claims

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Litigation: Tort Claims Claims by Type

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City Prosecutor: 2013 & 2014

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- **2013 Accomplishments:**

- Tripled the number of large nuisance cases filed YTD against nuisance property owners citywide.
- Prepared over 600 new lawsuits/complaints.
- Closed more than 1600 cases.
- Conducted numerous license suspension/revocation/appeals hearings with Code Enforcement.
- Prosecutors increased presence and relationships with neighborhood groups, IMPD, Health & Hospital, Code Enforcement, Animal Care & Control, DMD, the Alcohol Tobacco Commission and the Indianapolis Housing Authority.
- Panhandling ordinance revised and awaiting passage.
- Worked with the State and IMPD to restrain several nuisance bars from operating illegally.
- Participated in multiple nuisance property sweeps (hotels, apartments, bars).

- **2014 Initiatives:**

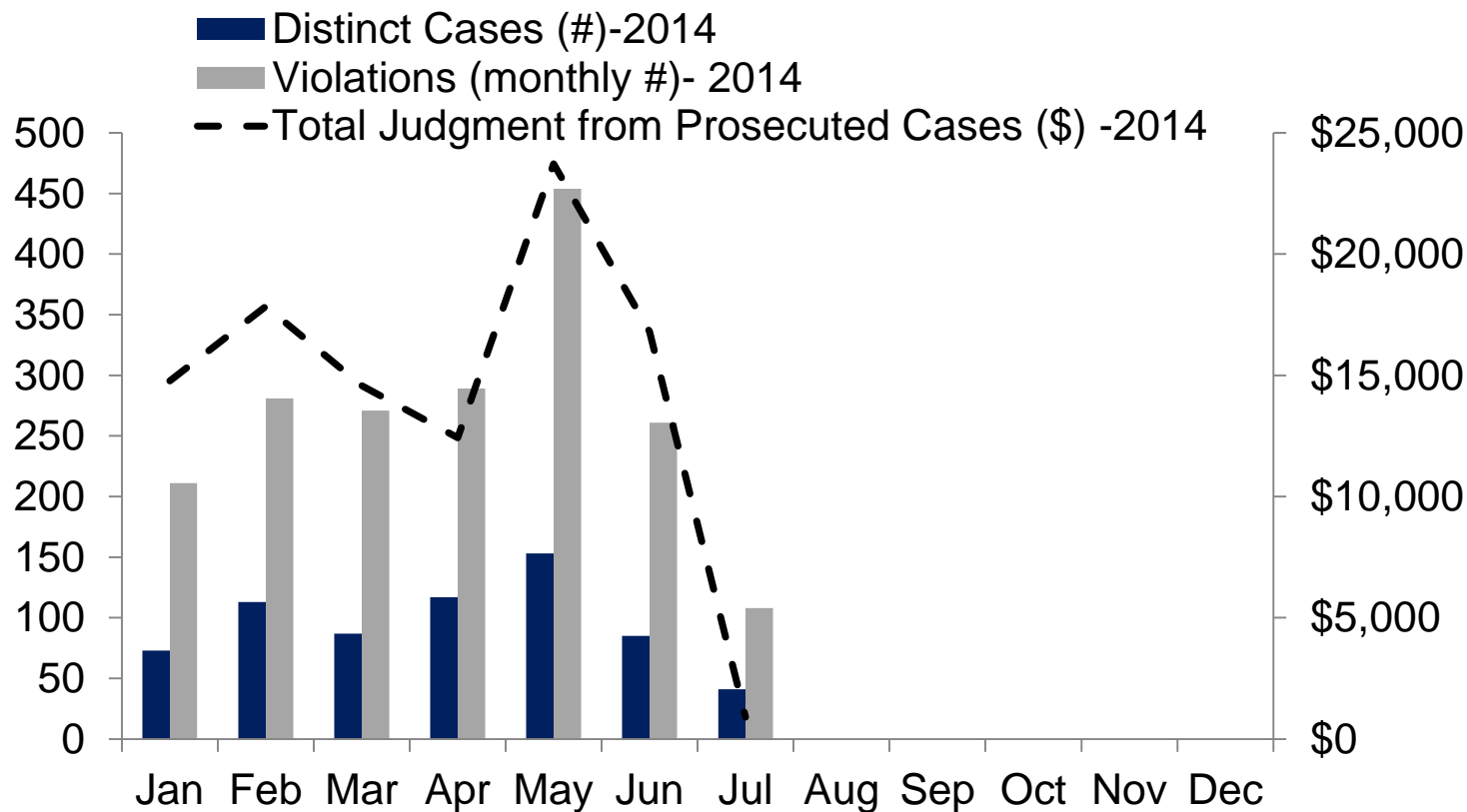
- Work with local and state alcohol licensing authorities and IMPD to limit nuisance bar activity.
- Worked with IMPD Vice and Nuisance Abatement to close several nuisance/illegal massage parlors.
- Revise/rewrite outdated ordinances relating to solicitation, loitering,
- Continue nuisance initiatives for problem and dangerous housing in conjunction with several other City/County agencies.
- Continue work with the Department of Public Safety and IMPD regarding effective ordinance enforcement and training.
- False alarm ordinance revised and passed through council.
- Curfew ordinance revised and awaiting passage.
- Introduce new ordinance regarding pawn shops & cash for gold.

Prosecution Cases & Violations

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Total 2013 Judgments \$1,450,645



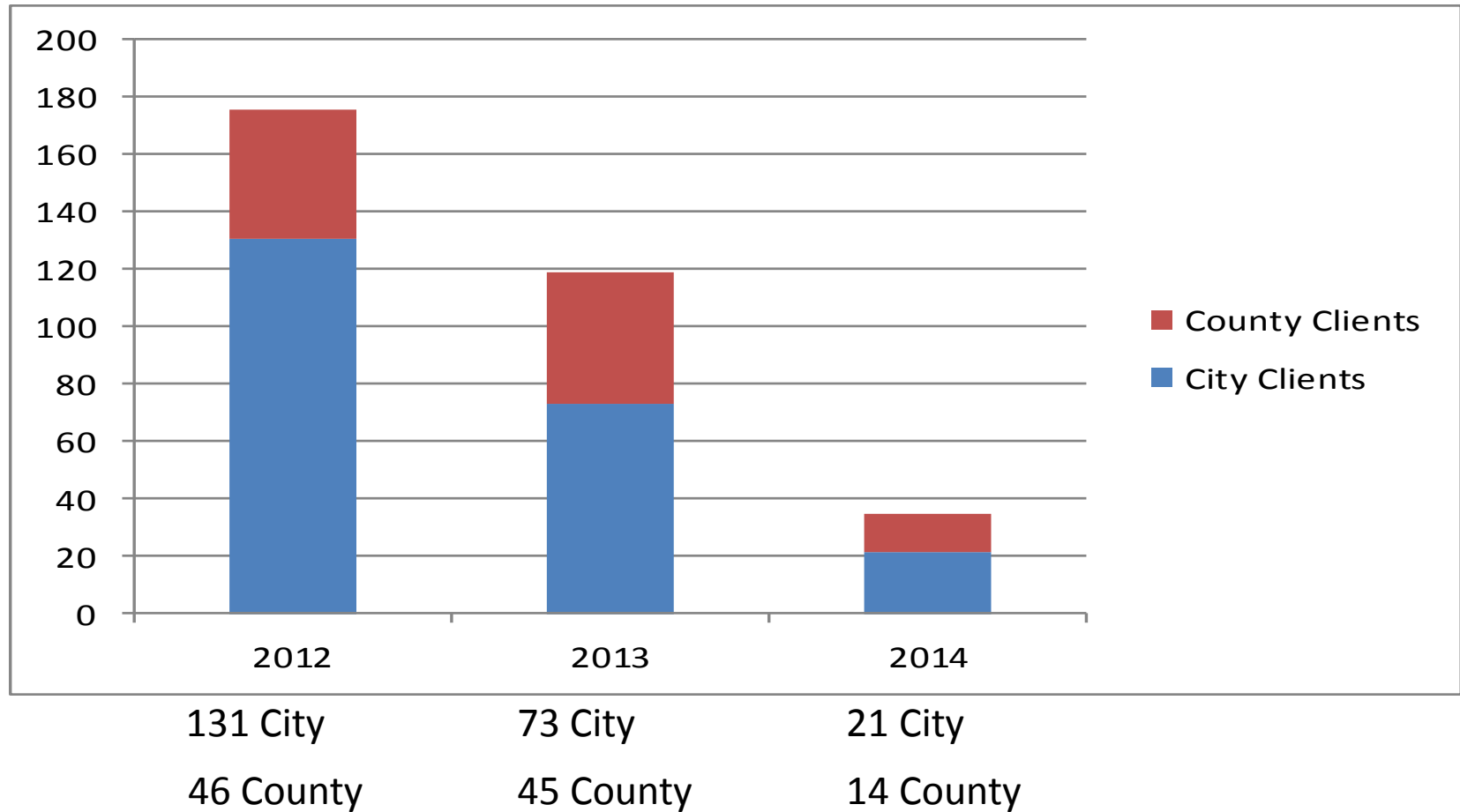
Counseling: 2013 & 2014



- Working with Human Resources to update and overhaul the Employee Safety Handbook.
- Working with Code Enforcement to streamline the appeal process to save both time and money. Upon completion the process can be implemented in other departments to create efficiencies.
- Coordinating efforts between counseling and litigation attorneys to more fully represent their clients in all legal aspects.

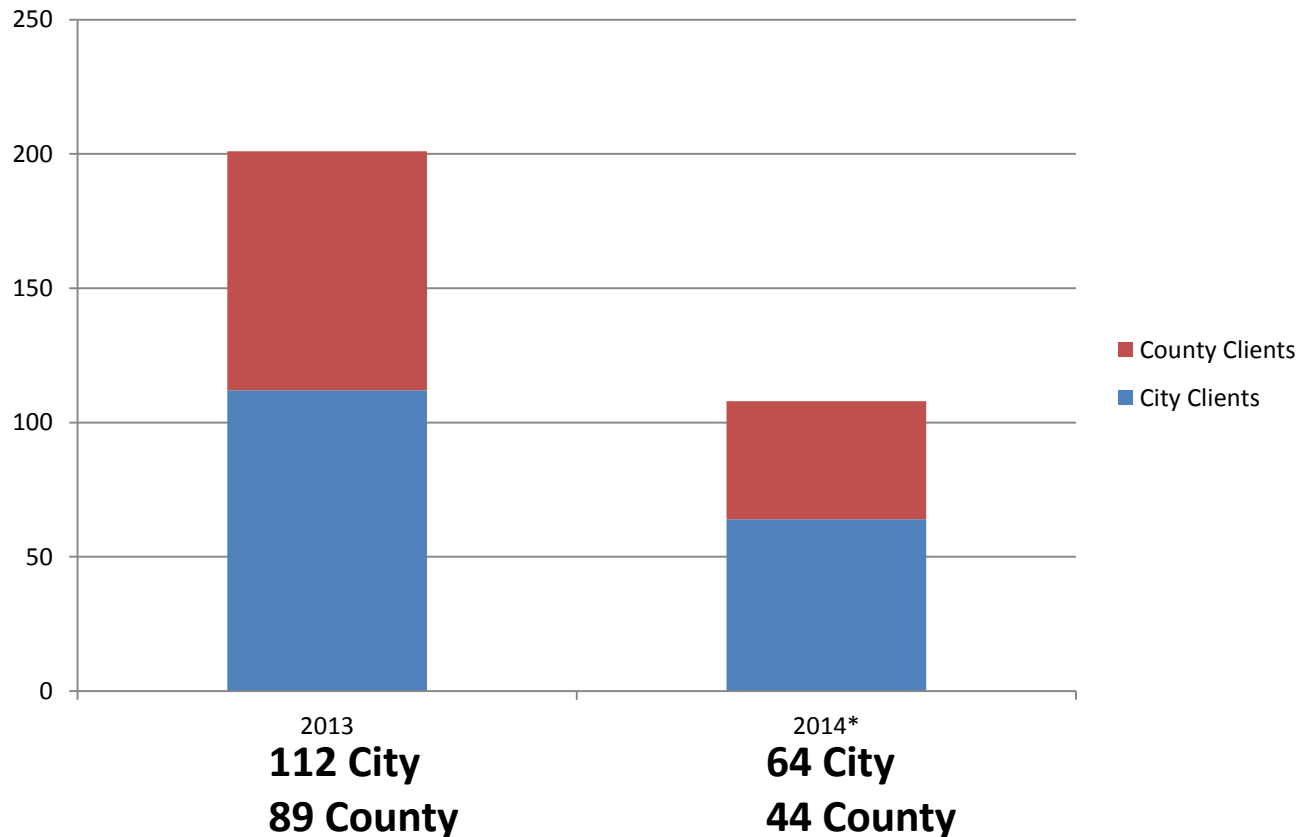
New Unemployment Claims

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Number of Responses Filed

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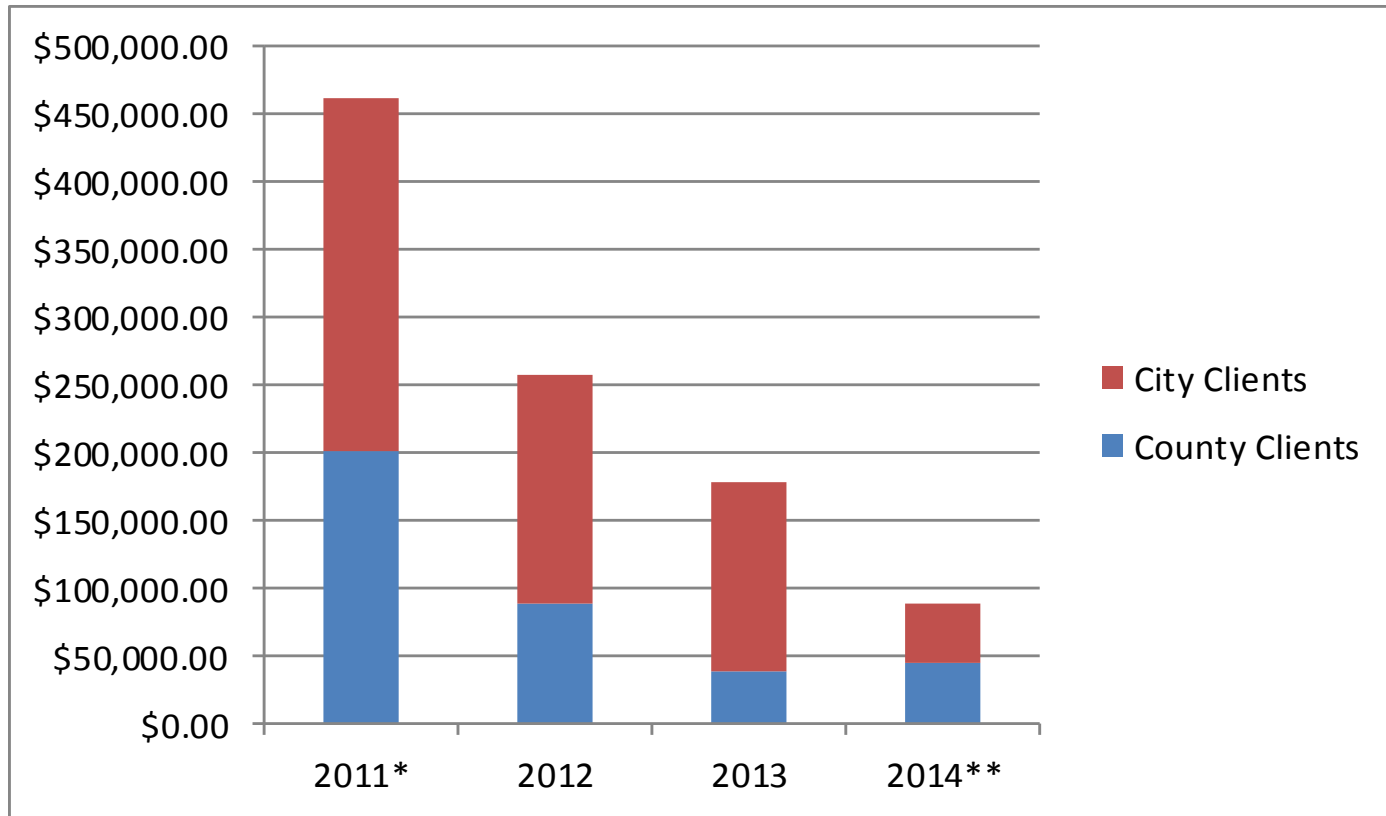


* Thru June 2014

** 2012 breakdown between City/County Clients not available; 420 total responses filed

Unemployment Charges Billed

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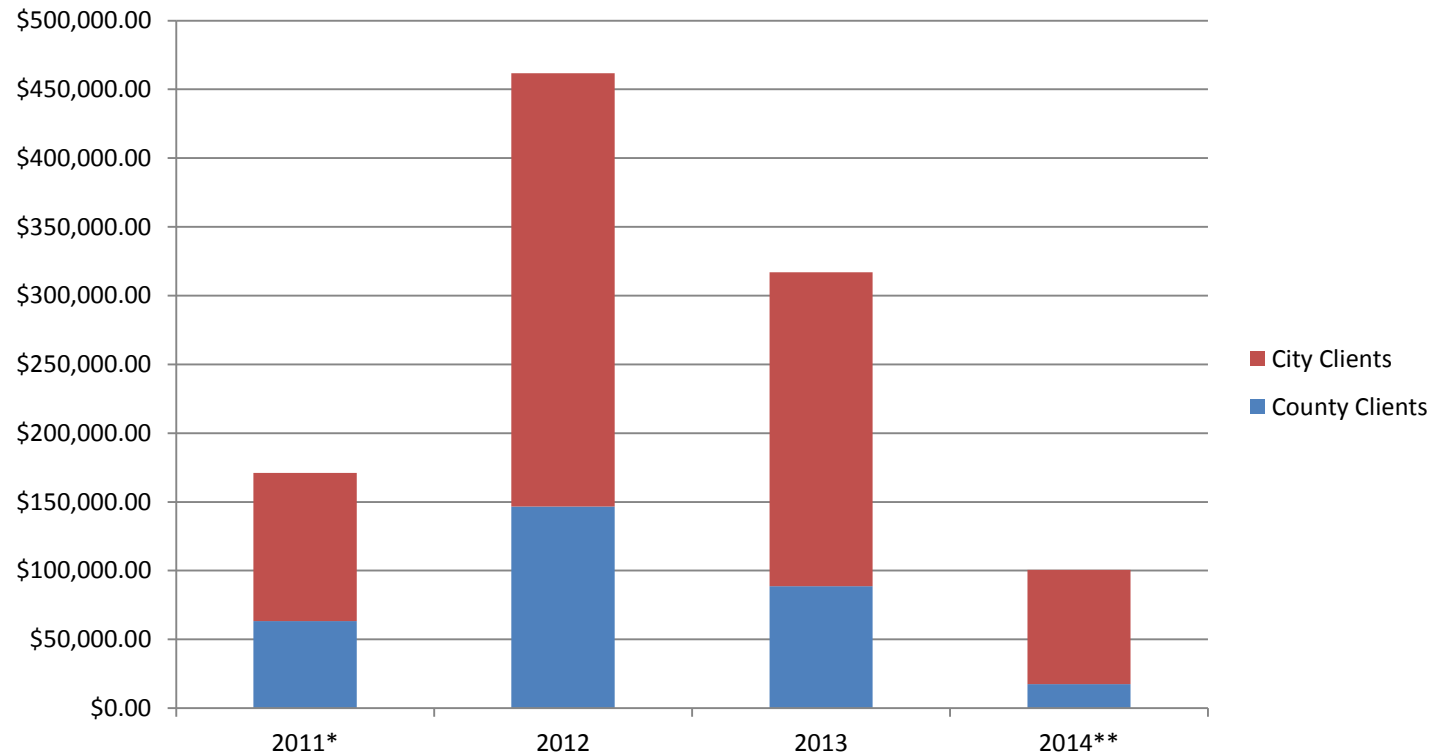


***2011 was last full year prior to OCC defense of unemployment claims**

**** Thru May 2014**

Yearly Unemployment Cost Avoidance

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***OCC attorney hired in Feb 2011; OCC began full defense of unemployment claims in Dec 2011**

*** Thru May 2014**

Cumulative Unemployment Cost Avoidance

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Feb 2011 thru May 2014



City Clients = \$723,237.20

County Clients = \$320,280.54

City & County Clients = \$1,043,617.74

Positive Fiscal Impact

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February 2011 thru May 2014

Reduced Costs To OCC Clients	\$371,948.03
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Cost Avoidance of OCC Clients	
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(Less OCC Staff Costs)	<u>\$691,356.95</u>
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<i>Total :</i>	<i>\$1,063,304.98</i>
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OCC Community Involvement



- Attendance at various community events and neighborhood meetings; joint effort by City Prosecutor and Equal Opportunity
- Fully staffed booth at Black Expo annually
- Annual participant in Indianapolis Bar Association Diversity Job Fair
- Increased participation with Indiana University Robert H. McKinney Law School, serving on government employer panels and government “Infoshare” sessions to introduce law students to opportunities in law and government
- Increasing opportunities for year-round law student interns at OCC to introduce more Indiana students to fundamentals of local government law, transparency, litigation and general legal practice



Q & A

Andrew P. Seiwert
327-4055
Andy.Seiwert@indy.gov